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09/643,203	08/22/2000	Mohammad T. Fatehi	Fatehi 37-21-20	8394

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Docket Administrator (Room 3C-512)  
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EXAMINER
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KADING, JOSHUA A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 11/04/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/643,203

Applicant(s)

FATEHI ET AL.

Examiner

Joshua Kading

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is more than 150 words in length. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It is stated in claim 12 that the OCLI field contains the destination address of a network node and a user node, and that the user node is serviced by the network node. Thus the network node must route the digital container to the user node by way of the network node based on the user node's address and the network node's address, as is stated in claim 13.

4. Claims 1, 14, 15, 16, 17, 18, and 19 are objected to because of the following informalities:
5. Claim 1, line 5 states, "carrying payload". It should read, --carrying a payload--.
6. Claim 14, line 5 states, "carrying payload". It should read, --carrying a payload--.
7. Claim 15, line 5 states, "carrying payload". It should read, --carrying a payload--.
8. Claim 17, line 5 states, "carrying payload". It should read, --carrying a payload--.
9. Claim 16, line 16 states, "carrying payload". It should read, --carrying a payload--.
10. Claim 18, line 4 states, "carrying payload". It should read, --carrying a payload--.
11. Claim 19, line 5 states, "carrying payload". It should read, --carrying a payload--.
12. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-7, 10-11, and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Easki et al. (U.S. Patent 5,440,547).
15. In regard to claim 1, Easki et al. disclose "a method of transporting information in a communication network having interconnected network nodes and one or more user

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nodes coupled to network nodes" (figure 1 shows network nodes (30, 34, 32), user nodes (12, 14, 16, 18, 20, 22, 24)), "the method comprising:

16. forming a digital container at a first network node, the digital container capable of carrying [a] payload including information formatted according to one or more protocols" (col. 2, lines 26-35 where the VCI/VPI parameters make up part of the ATM header, which signifies a protocol, which makes up part of the digital container and the rest of the digital container is made of the payload as can be read in col. 1, lines 56-58; since the VCI/VPI parameters are changed or written each time they enter a node, a digital container will have been formed at the first network node);

17. "routing the digital container through the communication network" (col. 2, lines 35-40 where by the routing tag directs the cell or digital container through the network);

18. "receiving and processing the digital container at a second network node" (col. 2, lines 26-35 where the term "nodes" says there is more than one and therefore the digital container must be received and processed by a second network node);

19. "routing the payload to one or more user nodes serviced by the second network node, wherein the payload includes information for only the one or more user nodes serviced by the second network node" (col. 2, lines 26-35 where the receiver is serviced by the second network node which is in the selected route; for example figure 1 shows the sender user node 12 and the first network node 30 where the digital container is formed, then it is sent to the second network node 32 where it is processed and sent to the receiving user node 16 and where the payload is only for that node because that is the only node it is addressed for).

20. In regard to claim 2, Easki et al. disclose "the method of claim 1 further comprises the step of processing the information formatted according to the one or more protocols at the one or more user nodes" (col. 2, lines 26-35 where the VCI/VPI parameters make up part of the ATM header which makes up part of the formatted information and since the VCI/VPI parameters are changed or written each time they enter a node, they must be processed according to the ATM protocol).

21. In regard to claim 3, Easki et al. disclose "the payload comprises a heterogeneous payload having one or more units of traffic selected from the group consisting of an ATM cell, an IP packet,..., and signaling messages according to a prescribed signaling scheme" (col. 1, lines 51-58 where the payload subscribes to the ATM network protocol).

22. In regard to claim 4, Easki et al. disclose "the digital container is formed as a signaling-type container for establishing a communications connection between network nodes" (col. 2, lines 35-40 where the existence of the routing table indicates that there was a previous signaling-type container sent to that node and to another node to establish a communication link).

23. In regard to claim 5, Easki et al. disclose "the digital container is formed as a signaling-type container for establishing a communications connection between user

nodes" (col. 4, lines 22-28 where the virtual circuit is formed by a signaling-type container establishing the connection between the sender and receiver or user nodes as is known in the art).

24. In regard to claim 6, Easki et al. disclose "the step of forming comprises forming a digital container of a fixed size" (col. 1, lines 51-55).

25. In regard to claim 7, Easki et al. disclose "the digital container includes a header section and a payload section" (col. 1, lines 56-58).

26. In regard to claim 10, Easki et al. disclose "the header section further includes a payload control field for indicating whether contents of the payload section of the digital container are dedicated to a single user node" (col. 39, lines 47-55 where this clearly states that the address is used to identify a single user by way of that user's address in the VPI field).

27. In regard to claim 11, Easki et al. disclose "the header section further includes a payload control field for indicating whether contents of the payload section of the digital container are intended for two or more user nodes serviced by the same network node" (col. 39, lines 47-55 where this clearly states that the address is used to identify a group of users by way of the address used in the VPI field).

28. In regard to claim 14, Easki et al. disclose "a method of transporting information in a communication network having interconnected network nodes and one or more user nodes coupled to network nodes" (figure 1 shows network nodes (30, 34, 32), user nodes (12, 14, 16, 18, 20, 22, 24)), "the method comprising:

29. forming a digital container at a first network node, the digital container capable of carrying [a] payload including information formatted according to one or more protocols" (col. 2, lines 26-35 where the VCI/VPI parameters make up part of the ATM, which is a protocol, header which makes up part of the digital container and the rest of the digital container is made of the payload as can be read in col. 1, lines 56-58; since the VCI/VPI parameters are changed or written each time they enter a node, a digital container will have been formed at the first network node); "and

30. addressing the digital container for routing to a second network node, wherein the payload of the digital container includes information for only the one or more user nodes serviced by the second network node" (col. 2, lines 26-35 where the receiver is serviced by the second network node which is in the selected route; for example figure 1 shows the sender user node 12 and the first network node 30 where the digital container is formed, then it is sent to the second network node 32 where it is processed and the sent to the receiving user node 16 and where the payload is only for that node because that is the only node to get it).

31. In regard to claim 15, Easki et al. disclose, "a method of transporting information in a communication network having interconnected network nodes and one or more



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user nodes coupled to network nodes" (figure 1 shows network nodes (30, 34, 32), user nodes (12, 14, 16, 18, 20, 22, 24)), "the method comprising:

32. receiving, at a second network node, a digital container transmitted by a first network node, the digital container capable of carrying [a] payload including information formatted according to one or more protocols" (col. 2, lines 26-35 where the receiver is serviced by the second network node which is in the selected route; for example figure 1 shows the sender user node 12 and the first network node 30 where the digital container is formed, then it is sent to the second network node 32 where it is processed and the sent to the receiving user node 16; col. 1, lines 51-58 where the cell, and thus the payload is formatted according to ATM standards);

33. "processing the digital container at the second network node" (col. 2, lines 26-35 where the term "nodes" says there is more than one and therefore the digital container must be received and processed by a second network node); "and

34. routing the payload to one or more user nodes serviced by the second network node, wherein the payload includes information for only the one or more user nodes serviced by the second network node" (col. 2, lines 26-35 where the receiver is serviced by the second network node which is in the selected route; for example figure 1 shows the sender user node 12 and the first network node 30 where the digital container is formed, then it is sent to the second network node 32 where it is processed and the sent to the receiving user node 16 and where the payload is only for that node because that is the only node to get it).

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35. In regard to claim 16, Easki et al. disclose, "a method of transporting information in a communication network having interconnected network nodes and one or more user nodes coupled to network nodes" (figure 1 shows network nodes (30, 34, 32), user nodes (12, 14, 16, 18, 20, 22, 24)), "the method comprising:

36. a) establishing a communications connection between a first and second network node by

37. 1) forming a first digital container at a first network node, the first digital container including signaling information for establishing a route between the first and second network nodes

38. 2) routing the first digital container through the communication network

39. 3) receiving and processing the digital container at the second network node to thereby establish the communication connection" (col. 2, lines 26-35 where the VCI/VPI parameters make up part of the ATM header which makes up part of the digital container and the rest of the digital container is made of the payload as can be read in col. 1, lines 56-58; since the VCI/VPI parameters are changed or written each time they enter a node, a digital container will have been formed at the first network node; col. 2, lines 35-40 where the existence of the routing table indicates that there was a previous signaling-type container sent to the first network node and to the second network node to establish a communication link);

40. "b) establishing a signaling connection between a first and second user node, the first user node being coupled to the first network node and the second user node being coupled to the second network node, by

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41. 1) forming a digital container at a first network node, the digital container including [a] payload comprised of one or more signaling messages supplied by the first user node,

42. 2) routing the digital container through the communication network,

43. 3) receiving and processing the digital container at the second network node, and

44. 4) routing the one or more signaling messages to the second user node serviced by the second network node, such that signaling is established between the first and second user nodes" (col. 4, lines 22-28 where the virtual circuit is formed by a signaling-type container establishing the connection between the sender and receiver or user nodes as is known in the art; col. 2, lines 26-35 where the VCI/VPI parameters make up part of the ATM header which makes up part of the digital container and the rest of the digital container is made of the payload as can be read in col. 1, lines 56-58; since the VCI/VPI parameters are changed or written each time they enter a node, a digital container will have been formed at the first network node; col. 2, lines 35-40 where the existence of the routing table indicates that there was a previous signaling-type container sent to the first network node and to the second network node to establish a communication link).

45. In regard to claim 17, Easki et al. disclose, "a method of transporting information in a communication network having interconnected network nodes and one or more

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user nodes coupled to network nodes" (figure 1 shows network nodes (30, 34, 32), user nodes (12, 14, 16, 18, 20, 22, 24)), "the method comprising:

46. in a first network node,

47. a processor for forming a digital container capable of carrying [a] payload including information formatted according to one or more protocols" (figure 4, element 76 which appends the header to the payload thus creating a complete digital container; col. 2, lines 26-35 where the VCI/VPI parameters make up part of the ATM, which is a protocol, header which makes up part of the digital container and the rest of the digital container is made of the payload as can be read in col. 1, lines 56-58; since the VCI/VPI parameters are changed or written each time they enter a node, a digital container will have been formed at the first network node), "and

48. a routing element for routing the digital container to a second network node; and in a second network node, a processor for receiving and processing the digital container and routing the payload to one or more user nodes serviced by the second network node, wherein the payload includes information for only the one or more user nodes serviced by the second network node" (figure 1, elements 30, 32, 36 are functionally equivalent to routers and connect to each other and there corresponding user nodes to form first network nodes, second network nodes, and user nodes as in figure 1; figure 4, element 76 which appends the header to the payload thus creating a complete digital container and sends it out to be routed to its destination; and where the information of the container is meant for the one or more user nodes serviced by the second network node because this is the only node the container was routed to).

49. In regard to claim 18, Easki et al. disclose, "a method of transporting information in a communication network having interconnected network nodes and one or more user nodes coupled to network nodes" (figure 1 shows network nodes (30, 34, 32), user nodes (12, 14, 16, 18, 20, 22, 24)), "the method comprising:

50. a processor operable to form a digital container capable of carrying [a] payload including information formatted according to one or more protocols and further operable to address the digital container for routing to a second network node" (figure 4, element 76 which appends a header to a payload for routing and creating a digital container);  
"and

51. a routing element for routing the digital container to a second network node, wherein the payload of the digital container includes information for only the one or more user nodes serviced by the second network node" (figure 1, elements 30, 32, 36 are functionally equivalent to routers and connect to each other and there corresponding user nodes to form first network nodes, second network nodes, and user nodes as in figure 1; figure 4, element 76 which appends the header to the payload thus creating a complete digital container and sends it out to be routed to its destination; and where the information of the container is meant for the one or more user nodes serviced by the second network node because this is the only node the container was routed to).

52. In regard to claim 19, Easki et al. disclose "in a communication network having a plurality of network nodes and one or more user nodes coupled to one or more of the

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plurality of network nodes, a destination network node for transporting information in the communication network comprising:

53. means for receiving a digital container transmitted by a first network node, the digital container capable of carrying [a] payload including information formatted according to one or more protocols" (figure 4, element 52i; col. 2, lines 26-35 where the VCI/VPI parameters make up part of the ATM, which is a protocol, header which makes up part of the digital container and the rest of the digital container is made of the payload as can be read in col. 1, lines 56-58; since the VCI/VPI parameters are changed or written each time they enter a node, a digital container will have been formed at the first network node); "and

54. means for processing the digital container and for routing the payload to one or more user nodes serviced by the second network node, wherein the payload includes information for only the one or more user nodes serviced by the second network node" (figure 4 which takes a container, analyzes it, and routes it, according to the routing table 70, to its next destination; and where the information of the container is meant for the one or more user nodes serviced by the second network node because this is the only node the container was routed to).

### ***Claim Rejections - 35 USC § 103***

55. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

56. Claims 8, 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easki et al. in view of Ghaibeh et al. (U.S. Patent 5,926,478).

57. In regard to claim 8, Easki et al. disclose the method of claim 7. However, Easki et al. lack "the communication network is an optical communication network." Ghaibeh et al. however, disclose "the communication network is an optical communication network" (col. 2, lines 2-6 where the optical network is ATM based). It would have been obvious to one with ordinary skill in the art at the time of invention to include the optical communication network with the method of claim 7 for the purpose of high speed communication. The motivation being greater bandwidth.

58. In regard to claim 9, Easki et al. and Ghaibeh et al. disclose the method according to claim 8. However, Easki et al. lack "the header section includes an optical logical channel identification (OCLI) field for identifying the destination of the digital container." Ghaibeh et al. however, further disclose "the header section includes an optical logical channel identification (OCLI) field for identifying the destination of the digital container" (figure 2, element 80 where figure 2 represents a 125 usec frame of the optical communication network; figure 4, element 80, 82, and 84 where 80 is the ATM cell of figure 2 and 82 and 84 represent a destination address of the frame). It would have been obvious to one with ordinary skill in the art at the time of invention to

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include the OCLI with the method of claim 8 for the same reasons and motivation as in claim 8.

59. In regard to claim 12, Easki et al. and Ghaibeh et al. disclose the method according to claim 9. However, Easki et al. lack "the OCLI field comprises a network node destination address and a user node destination address, wherein the network node destination address corresponds to the second network node and wherein the user node destination address corresponds to a user node serviced by the second network node." Ghaibeh et al. however, further disclose "the OCLI field comprises a network node destination address and a user node destination address, wherein the network node destination address corresponds to the second network node and wherein the user node destination address corresponds to a user node serviced by the second network node" (figure 4, element 84 where VPI is the path identifier or network node address and the VCI is the circuit identifier or the user node address; and as in claim 1, Easki et al. figure 1 shows the sender user node 12 and the first network node 30 where the digital container, which contains the frame of Ghaibeh et al., is formed, then it is sent to the second network node 32 where it is processed and the sent to the receiving user node 16). It would have been obvious to one with ordinary skill in the art at the time of invention to include the two addresses with the method of claim 9 for the same reasons and motivation as in claim 9.



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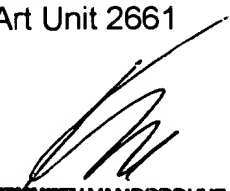
60. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (703) 305-0342. The examiner can normally be reached on M-F: 8:30AM-5PM.

61. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

62. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Joshua Kading  
Examiner  
Art Unit 2661

JK  
October 30, 2003



KENNETH VANDERPUYE  
PRIMARY EXAMINER